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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,088	03/22/2000	Miral Kim-E	03284-P0001B	8149

7590 06/02/2005

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EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/533,088

Applicant(s)

KIM-E, MIRAL

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-58 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-58 are pending. Claims 1-6, 8, 10, 13-17, 19, 25-29, 31-36, 39, 41-44, and 49-58 have been amended in this communication filed 03/07/05 entered as Response After Non-Final Action and Request for Extension of Time.
2. The amendments to the Specification have been reviewed.
3. After a careful review of the claims, a restriction has been found with three distinct inventions with a linking claim as set forth here below.

Election/Restrictions

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8 and 33-37, drawn to a system and method having a trader rules database, a set of trader risk assessment rules, receiving trader information, retrieving a set of trader risk assessment rules, assigning a trader risk rating to the trader, receiving trade details from a trader for a proposed trade, and automatically approving the proposed trade, classified in class 705, subclass 80.
 - II. Claims 9-19 and 38-44, drawn to a system and method for allowing the formation of a team of a plurality of team members, enabling team members to determine a quantity of a financial instrument to be purchased, obtaining a financial commitment from each of the team members, automatically purchasing in a single trade the quantity of the financial instrument, charging an account of each of the team members,

and crediting the account of each of the team members with a share of ownership, classified in class 705, subclass 1.

- III. Claims 20-32 and 45-53, drawn to a system and method for receiving an indication from a seller that the seller desires to sell a financial instrument and an indication from a buyer that the buyer desires to purchase the financial instrument, notifying the buyer and the seller of a proposed trade, determining a fair market value of the financial instrument, receiving a buyer trade ticket from the buyer and a seller trade ticket from the seller, determining if the terms of the buyer trade ticket match the terms of the seller trade ticket, and automatically executing the trade if the terms are fair, classified in class 705, subclass 37.
- IV. Claims 54-58, drawn to a system with a trader rules database, a set of trader risk assessment rules, receiving trader information, retrieving a set of trader risk assessment rules, assigning a trader a risk rating, a trader risk rating database, storing the trader risk rating assigned to the trader, receiving trade details from a trader for a proposed trade, and automatically approving the proposed trade if the trader risk rating is below a risk threshold, classified in class 705, subclass 1.

Claim 54 link(s) invention Group I. The restriction requirement Group I the linked invention is subject to the nonallowance of the linking claim(s), claims 54-58 in Group IV. Upon the allowance of the linking claim(s), the restriction requirement as to the linked invention **shall** be withdrawn and any claim(s) depending from or otherwise

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including all of the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicants' are advised that if any such claim(s) depending from or including all of the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 1270 USPQ 129, 131-32 (CCPA 1971). See also MPEP 804.01.

Inventions Group I, Group II, Group III and Group IV are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Group I does not require the same search as for Group II, Group III, and Group IV. Group II does not require the same search as for Group I, Group III, and Group IV. Group III does not require the same search as for Group I, Group II and Group IV. Group IV does not require the same search as for Group I, Group II, and Group III. The subcombination has separate utility such as Group I has a system and method having a trader rules database, a set of trader risk assessment rules, receiving trader information, retrieving a set of trader risk assessment rules, assigning a trader risk

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rating to the trader, receiving trade details from a trader for a proposed trade, and automatically approving the proposed trade. Group II has separate utility such as a system and method for allowing the formation of a team of a plurality of team members, enabling team members to determine a quantity of a financial instrument to be purchased, obtaining a financial commitment from each of the team members, automatically purchasing in a single trade the quantity of the financial instrument, charging an account of each of the team members, and crediting the account of each of the team members with a share of ownership. Group III has separate utility such as a system and method for receiving an indication from a seller that the seller desires to sell a financial instrument and an indication from a buyer that the buyer desires to purchase the financial instrument, notifying the buyer and the seller of a proposed trade, determining a fair market value of the financial instrument, receiving a buyer trade ticket from the buyer and a seller trade ticket from the seller, determining if the terms of the buyer trade ticket match the terms of the seller trade ticket, and automatically executing the trade if the terms are fair. Group IV has separate utility such as assigning a trader a risk rating, a trader risk rating database, storing the trader risk rating assigned to the trader, receiving trade details from a trader for a proposed trade, and automatically approving the proposed trade if the trader risk rating is below a risk threshold.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Because these inventions are distinct for the reasons given above and the search required for Group II, Group III and Group IV is not required for Groups I, III, and IV, the search required for Group III and Group IV is not required for Groups I, II, and IV, and the search required for Group IV is not required for Groups I, II, and III, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Applicant is advised that the reply to this requirement to be completed must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Inquiries

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday-Thursday, 6:30AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E. Colbert
May 26, 2005